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Approved For Release 2003/06/06 : CIA-RDP90-00610R000100170045-0

10 January 1949

MEMORANDUM FOR: Visa Division
Department of State

ATTENTION: Mr. Robert C. Alexander

1. Pursuant to the discussion on 6 January 1949 between Mr. Robert C. Alexander, Visa Division, Mr. Fisher Howe, of the Office of the Special Assistant to the Secretary of State, Mr. Walter L. Pforzheimer, Assistant General Counsel of CIA, and myself, we have reviewed Section 6(g) of the proposed CIA Law.

2. We have considered all the points raised at the meeting, and in view of the willingness of the Department to concur in Section 6(g) substantially as originally drafted, we have felt, after discussing the matter with the Director, that it is best to proceed as originally planned rather than to attempt to utilize the provisions of Section 19(c) of the immigration laws.

3. As we indicated at the meeting, we feel that it is best to eliminate all reference to consular authorities from the proposed section, and we have therefore revised Section 6(g) as per the attached.

4. In forwarding your letter of concurrence to the Bureau of the Budget, would you kindly indicate to them that this proposal has the concurrence of this Agency.

OGC Has Reviewed

Lawrence R. Houston
General Counsel

Attachment
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6(g). Whenever the Director and the Attorney General shall determine that the entry of a particular alien into the United States for permanent residence is in the interest of national security or essential to the furtherance of the national intelligence mission, such alien and his immediate family shall be given entry into the United States for permanent residence without regard to their inadmissibility under the immigration or any other laws and regulations, or to the failure to comply with such laws and regulations; PROVIDED, That the number of aliens and their immediate families entering the United States under the authority of this Section shall in no case exceed one hundred in any one calendar year.

7 January 1949

Mr. Houston and Mr. Pforzheimer talked with the Director regarding memorandum for the record dated 6 January 1949, concerning the visa provision of the proposed CIA law in the light of State Department comments. It was agreed that we would not adopt Mr. Alexander's suggestion regarding use of Section 19(c), but would stand on our own provision, in which the State Department indicates concurrence. However, in the light of our conversations of 6 January, we will eliminate from Section 6(g) all reference to consular authority.

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6 January 1949

MEMORANDUM FOR THE RECORD + 1

Mr. Houston and I conferred with Mr. Fisher Howe, of the State Department intelligence staff, and Mr. Robert Alexander, of the Visa Division of the State Department, regarding the visa section of the proposed CIA bill. Mr. Alexander, on behalf of the Visa Division, stated that they would interpose no objection to Section 6(g), and Mr. Howe concurred. However, Mr. Alexander stated it is his personal opinion that certain changes could be made which would be advantageous to us. He felt that our proposed section was not sufficiently camouflaged and would serve notice to all the world that we propose to bring these people in. Mr. Houston stated that this was precisely what we desired. As an open statute on the books, it would serve notice to proposed defectors at a high level that the United States would in effect be an asylum (provided, of course, we considered them of extreme intelligence potential). Mr. Alexander further suggested, as a possible alternative, the use for CIA purposes of Section 19(c) of the Immigration Act, which provides that the Attorney General may suspend deportation of aliens in this country under certain circumstances. It is Mr. Alexander's thought that at the request of the DCI, and with the concurrence of the Attorney General, this provision could be used on any persons brought into this country in order to give them permanent residence, charging the alien's entry against the appropriate quota. This would enable us to bring any number of people in on visitors visas, merely stamping their passports, and thus not disclosing special categories. However, we pointed out that this system was usable at the present time, and if something similar were incorporated in CIA legislation, it would leave us open to untold pressures from every possible source. Furthermore, it would leave us open to blackmail to the extent that an alien here on a visitors visa might disclose 50% of his information and refuse to disclose the remainder until we guaranteed him permanent residence. It was pointed out that our proposal was aimed primarily at the defector program and not merely those whom we wished to interrogate temporarily.

Mr. Alexander expressed preference for the use of Section 19(c) of the Immigration Act from the standpoint of legislative strategy, as those entrances were charged against quotas, whereas our proposals in effect set up a special non-quota category. However, if there is any Congressional objection to establishing such a special category, we would be

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Office Memorandum • UNITED STATES GOVERNMENT

TO : The Director

FROM : Assistant General Counsel

SUBJECT: Section 6(g) of proposed CIA legislation.

DATE: 6 January 1949

1. Mr. Houston and I conferred today with Mr. Fisher Howe, of the State Department intelligence staff, and Mr. Robert Alexander, of the Visa Division. They have agreed to concur in our visa section 6(g), and as a result of this conference we will suggest to you certain modifications. Mr. Alexander, however, made certain proposals which he considered preferable to ours, but this will not prevent him from concurring in our section. He did point out, however, that he was constantly being called into Executive session by Congressional committees to testify on all matters concerning visas, and that presumably the State Department would be called in this connection in our bill. He stated that if he were called and were asked for his opinion, he would testify that he did not agree with our approach, although he agreed as to the necessity for such legislation, and that he would be forced to testify as to his own opinion as to the best means to secure our end.

2. While I believe he is under a misapprehension as to the committee before which our legislation will come, and while I think it is doubtful that the Armed Services Committee would ever request his testimony, once the State Department has concurred in our legislation, I believe Mr. Lovett should make it crystal clear that the only testimony Mr. Alexander can give would be in direct support of the language in which the Department has concurred and not his personal opinion. Furthermore, if State Department testimony is considered desirable, it appears to me that it should be given preferably by Mr. Lovett himself or otherwise by Mr. Armstrong. I envisage the possibility, in the light of Mr. Alexander's past legislative performances, that he may attempt to throw some sand in the gears, and this should not be allowed to happen through any private lobbying operations of his own.

Walter L. Pforzheimer

Files

4 January 1949

General Counsel

Proposed Legislation -- Section 6(g), Entry of Aliens

Mr. Fisher Howe called me concerning the above stated section of our proposed legislation, in order to restate his understanding of his prior agreement with Mr. Pforzheimer. He stated that he had not yet received the views of the interested offices on this section, but he felt that they could be persuaded that the Secretary of State should not be included in those whose concurrence would be necessary for the entry of aliens. He therefore felt that we should recommend that the Director not see Mr. Lovett in this connection until he knew what the recommendation to the Secretary of State would be. If the recommendation is that the Secretary be included in this section, Mr. Howe will call us prior to submission of the recommendation, advising us of its terms and the reasons given by the recommending parties. We will be given opportunity for discussion and to advise the Director that a recommendation is being made which does not accord entirely with his informal understanding with Mr. Lovett.

I stated that this arrangement was satisfactory and that I did not believe that the Director would wish to raise the point with Mr. Lovett at this time. Mr. Pforzheimer thereupon informed me that the Director had already approved this arrangement.

Mr. Howe stated that one other point might arise in discussions with the Visa Division. Under the provision, as written, there is no discretion whatsoever on the part of the Consul who will be required to issue the visa. It may therefore be the wish of the Visa Division that all documentation be waived and the consular activity under this authority be eliminated.

I stated that we could probably accept such a recommendation; but if the question were raised, we would prefer his proposal that we have a preliminary discussion of all the practical aspects, particularly those affecting the security of possible operational arrangements. Mr. Howe stated that he believed he would have such proposals and comments, as would be made, within the next two days.

LAWRENCE R. HOUSTON

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REMARKS:

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